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The Horse Protection Act and  
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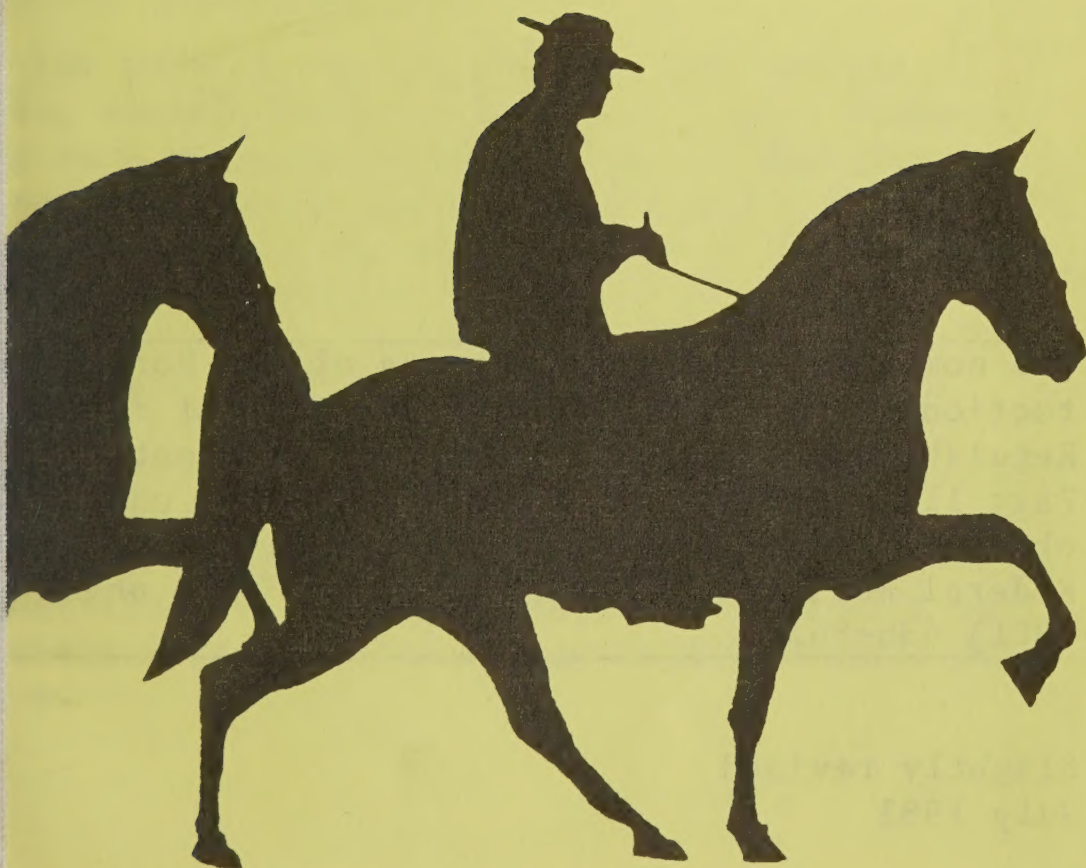
# The Horse Protection Act and You

For Horse Show Managers  
and Exhibitors

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The complete legal requirements of the Horse Protection Act are published in the Code of Federal Regulations, Title, 9, Chapter I, Subchapter A, Part 11. Reprints of these regulations can be obtained from: APHIS Information Division, G-188 Federal Building, Hyattsville, MD 20782, phone (301) 436-8413.

Slightly revised  
July 1983

### What is the Horse Protection Act?

A Federal law passed in 1970 and amended in 1976. The legislation is aimed at stopping the cruel and inhumane practice of having horses take part in a horse show or sale while they are "sore."

### What is meant by "sore"?

A horse is deemed to be sore if it suffers abnormal pain, distress, inflammation, or lameness when it walks, trots, or otherwise moves. Generally, soring refers to any application, infliction, injection, or practice which makes a horse sore in a way that exaggerates its gait, producing a flourish or the "big lick" prized by show judges and viewers. Soring started in the 1950's and became increasingly prevalent and flagrant during the 1960's.

### What does the law require?

The law forbids the entering of sore horses in shows, exhibitions, sales, or auctions; permitting such an entry to occur; and transporting horses for such an entry. Regulations further forbid acts that may cause horses to become sore at regulated events.

### Who is held responsible for soring?

Depending on the conditions, owners, trainers, riders, sellers, and managers of shows, sales, and auctions. Owners, in particular, have a heavy responsibility because presumably they benefit most if their horse wins in a show or sells for a high price.



### What breeds of horses are covered?

Gaited breeds, with strong emphasis on Tennessee Walking Horses. This emphasis comes about because the intent of the law is to stop the painful alteration of a horse's gait, a special problem in competitions of Tennessee Walking Horses.

### Who enforces the Horse Protection Act?

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture. APHIS veterinarians and compliance officers carry on this work along with many assignments in other animal health programs.

### How is the law enforced?

APHIS currently puts its emphasis on industry self-regulation through the "Designated Qualified Person" (DQP) program. This is monitored by APHIS to the extent that resources permit. Also, APHIS inspects a certain number of horse shows itself.

### How does self-regulation work?

USDA certifies participating industry organizations as capable of the training, administration, and enforcement needed to keep sore horses from performing. Enforcement is carried out by the DQP's, who examine horses before each class. DQP's are charged with excluding horses that don't meet industry standards and Federal regulations. The certified organizations agree to have their DQP's serve all horse shows and sales that request these services, regardless of whether the requesting group belongs to the organization.



When did the DQP program begin--and how has it worked?

After a trial period at the end of 1979, the system functioned fully for the first time during the 1980 show year. Since that time, two organizations have inspected 90 percent of the shows that engaged DQP's. Most large shows use DQP's; most small ones do not. In 1982, the two large certified organizations set up an interlocking system of sanctions to which the others also subscribe to various degrees. This is making the system more effective.

What penalties are imposed under the DQP program?

Based on the findings of DQP's, industry organizations impose demerit points based on the seriousness of an infraction. A certain number of points leads to a warning, a fine, or disqualification for varying lengths of time.

Who can be a DQP?

In order to be licensed as a DQP, a person must have basic qualification and experience in the horse business on the level expected from stewards, judges, and other show officials. By profession, DQP's may be veterinarians, farriers, horse trainers, and the like. They are trained by certified industry organizations with help from USDA, which monitors the training program.

What is the DQP training program?

At least 14 hours of horse anatomy and physiology; the history of soring and procedures to detect it; standards of conduct and methods of recordkeeping and reporting; and practical instruction in applying classroom work. In addi-



tion, DQP's are required to attend yearly refresher courses.

#### For whom do DQP's act?

They act for management, the people responsible for and involved in organizing, directing, or administering a show or sale. DQP's are considered employees of management, even if they volunteer their services. DQP's do not work for the industry organizations that license them nor for the Federal Government that monitors the licensing program.

#### Must management hire DQP's?

No, but without DQP's on hand, management assumes full responsibility for excluding sore horses. Management can secure help from judges, stewards, or other officials. Sore horses must be excused before prizes are awarded at shows; and before horses are presented to customers at sales and auctions.

#### Can management interfere with a DQP?

No. Management cannot fire a DQP during a show, and management must disqualify any horse the DQP finds to be sore. Otherwise, representatives of management can be prosecuted for violating the Horse Protection Act.

#### What if a DQP is lax?

A DQP's license can be taken away by the sponsoring organization by USDA. If the whole sponsoring organization is lax, its certification can be lifted by USDA.



Do APHIS inspectors relieve DQP's?

No. At shows APHIS can attend, inspectors determine how well the DQP program is working by observing DQP's and examining horses after they perform. DQP's examine horses before they perform.

Does APHIS need special facilities to conduct an inspection?

Yes. Show management must furnish an inspection area near the show ring to enable APHIS inspectors to physically examine horses after they perform. Sales and auctions also must furnish a suitable inspection area. It must provide protection against the elements, adequate lighting, electrical outlets, and a barrier to hold back onlookers. Facilities for the detention of horses also must be provided by management if required by Federal inspectors.

Does APHIS examine show records?

Yes. Management must keep the following records available for APHIS inspectors until 90 days after the show: Dates and place of the show; name and address of the manager, the judges, the sponsoring organization, and the DQP; identification of each horse and its owner, exhibitor, and home barn; and a copy of the official program of events (if any).

What if APHIS finds a sore horse?

APHIS conducts an investigation, documents the facts, and prosecutes those responsible if the facts warrant it. Basically, a veterinary examination, using both visual and physical methods, determines whether a horse is sore. Inflammation or abnormal sensitivity in both

front feet or both hind feet is legally accepted as an indication of a sore horse.

Can inspectors seize equipment?

Yes, provided a court order for seizure has been issued.

What are the Federal penalties?

A criminal offense prosecuted in Federal court carries a maximum fine of \$3,000 and up to 1 year in prison for a first violation. Subsequent criminal violations are punishable by a fine up to \$5,000 and up to 2 years in prison. Civil penalties, imposed by administrative procedures, can mount up to \$2,000 per violation.

Can a person be "disqualified"?

Yes, persons penalized under either criminal or civil procedures can be disqualified by the Federal Government for a year--or longer for repeat offenses. A disqualified person may neither show or sell horses nor judge or manage an event. Knowingly breaking a disqualification order can bring a penalty up to \$3,000 for the disqualified person or the manager of the event that allows the disqualified person to participate. This Federal disqualification is a legal action separate from industry-imposed disqualification. Therefore, the same person could theoretically be disqualified under both industry and Federal rules.

Can horses be disqualified?

Only by industry rules. However, horses rarely have been disqualified since they are difficult to identify.



What other actions are unlawful?

Three major ones: Interfering with an inspection or assaulting APHIS inspectors; offering false information; and tampering with show records. Such acts are punishable by a fine up to \$5,000 plus imprisonment for up to 3 years.

What are the rules on training devices?

The following properly constructed training devices are permitted under Federal rules:

1. Boots and collarlike devices of any weight.
2. Rollers of hardwood (*lignum vitae*), aluminum, or stainless steel that weigh less than 14 ounces.
3. Single-chain bracelets that are free of protrusions, swellings, rust, rough or sharp edges, seams, or other surfaces that contact and may hurt a horse's leg. They may not sore a horse, regardless of how they are constructed, how well they are maintained, or how heavy they are.

There are definite weight limits on bracelets, as follows:

- a. Horses 3 years of age and older may wear bracelets weighing no more than 10 ounces including the weight of the fastener;
- b. Horses 2 years of age may wear bracelets weighing no more than 8 ounces including the weight of the fastener.

Are any devices prohibited?

Beads, bangles, and other trotting devices (except for certain rollers). No two devices may be worn on any one limb.

Are pads permitted?

Yes, but the angle of the built-up foot is restricted. The length of the toe must be at least 1 inch longer than the height of the heel. For yearlings, the pad may not be thicker than 1 inch at the heel.

Are lubricants permitted?

Under certain conditions. When horses are presented for inspection before a class, they must be free of lubricants--in fact, they must be free of all foreign substances. Participants may then apply glycerin, mineral oil, petrolatum, or mixtures of these lubricants if management furnishes them, supervises their use, and keeps samples for inspection and analysis by APHIS. However, lubricants may not contain coloring or dye. (Management is not required to furnish any lubricants.)

Is medication permitted?

Yes, but a horse may not take part in shows, sales, or auctions while it is being medicated on the front legs between the hoof and the fetlock.

What scars are forbidden?

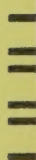
Scars or granulated tissue on the pasterns or coronary areas of both front legs. (Horses foaled before 1976 are exempt from this rule.)





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